

ZB# 80-3

Armo Contractors, Inc.

22-1-2

Public Hearing:

~~Feb 11, 1980~~

~~8:45 p.m.~~

~~Feb 25th 1980~~

~~8 p.m.~~

~~Extension of~~

~~non-conforming use.~~

Use Variance

and/or Special Permit

P.H. - 3/10/80 - 8pm.

Sent notice to

The Sentinel - 2/26/80.

OCPD notified by

GPC -

George P. Craig, Jr. Esq.
534-7755

Carmo;
56 ~~5~~ 1-5240

P.O. Box 535
Vails Gate, N.Y.
12584

GENERAL RECEIPT

4267

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

Mar. 24 19 80

RECEIVED OF Morino \$ 50.00
Fifty and 00/100 DOLLARS

FOR Variance Fee # 80-3

DISTRIBUTION:

FUND	CODE	AMOUNT
50.00		
ck.		

BY Pauline J. Townsend
Town Clerk

TITLE

George P. Craig, Jr. Esq.
534-7755

56 1-5240

P.O. Box 535
Vails Gate, N.Y.
12584

GENERAL RECEIPT 4267

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BY Pauline S. Townsend
Town Clerk
TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

227-2

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X
In the Matter of the Application of
JOSEPH MORINO/EQUIPMENT REBUILDERS HOLDING
CORP.

DECISION GRANTING
USE VARIANCE

-----X
WHEREAS, JOSEPH MORINO, P. O. Box 535, Vails Gate, New York 12584 and EQUIPMENT REBUILDERS HOLDING CORP., 609 Broadway, Westwood, New Jersey 07675, have made application for a use variance to permit storage of construction equipment, materials and operation of an office in an R-4 (residential) zone, located at the corner of Erie and Union Avenues in the Town of New Windsor, New York; and

WHEREAS, a public hearing was held on the 24th day of March, 1980 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, the applicants were represented by George P. Craig, Esq. of Craig and Ornstein, 321 Main Street, Cornwall, New York 12518; and

WHEREAS, the application was opposed by some of the area residents in attendance; and a petition was received and filed which was signed by approximately 26 area residents in favor of the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that the property in question has been used for storage of construction equipment, and like uses for the past

twenty years or so and that the character of this particular parcel has not changed during this period of time even though it is now located in a residential zone. The previous zoning of the parcel was GI (general industrial).

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The evidence shows that the plight of the applicants was due to unique circumstances and not to general conditions suffered by other persons within the zone.

2. The evidence shows that the application as presented does not alter the essential character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant a use variance with the following restrictions:

1. There will be no watch or guard dogs on the premises;
2. Use variance shall run in the name of ARMO CONTRACTORS, INC. or J. F. MORINO only and will not be transferred to any other purchaser;
3. Use variance is granted in strict conformance with (attached hereto) the proposals submitted/and on file with this Board on this evening, including but not limited to 6 ft. shrubs for screening;
4. Hours of operation: 7:30 a.m. to 4:30 p.m. only with no Sunday hours; and restricted to 5 days per week, excepting emergencies.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town

Clerk, Town Planning Board and the applicants.

Dated: April 14, 1980.

Vincent Benone
Chairman

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§1 See Additional References on Preceeding Index.

§2 VISITOR PARKING:

The area located in the immediate vicinity of the intersection of Union Avenue and Erie Avenue shall be cordoned off by either a split rail fence or a small privet hedge, and the entire area sodded.

An area to be designated for executive and visitor parking is to be located to the immediate north of the area, formerly utilized for parking of vehicles, at the doors of the building. A maximum of six parking places is contemplated at this time.

§3 LIGHTING (EXTERIOR):

At present, it is proposed that two additional lighting stanchions be erected to the east of the subject structure for illumination of the area to be utilized for vehicle parking during all hours of darkness.

In addition to a general safety factor, this is intended to minimize possible vandalism to equipment, curb the possible attraction of neighborhood children, and also provide assistance to local authorities (police) during their patrol of the area in viewing of the area to the rear of the subject structure. (See proposed site plan.)

§4 HEDGES.

The area between the rear of the subject structure up to the terminus of the existing hedgerow is to be planted with similar type shrubs, or ornamental slats are to be inserted in the chain link fence.

§5 EQUIPMENT PARKING AREA:

The proposed parking area shall be utilized in such a way that equipment will be ordered to provide visual observation between vehicles by owners and the police department patrolling on Erie Avenue without entry into the subject yard.

This element is projected to have additional ramifications on precautions being taken to minimize vandalism and discourage neighborhood children from attempting to gain access and utilize the storage area as a playground.

§6 OIL AND SHALE AREAS:

All areas of the subject parking area, including the parking areas for the vehicles, will be treated with a tar and chip surface, which is intended to retard dust, and prevent the tracking of mud, soil, and clay from the yard out onto the street, when vehicles exit the yard.

§7 HOURS OF OPERATION:

Intended hours of operation shall be from 7:30 in the morning until 4:30 in the afternoon. Due to the nature of the work performed by the applicant, occasional emergency requirements may necessitate ingress and egress during hours of darkness for snow removal and other unscheduled work. Ingress and egress during hours of other than scheduled work will be kept at a minimum.

§8 PROPOSED IMPROVEMENTS TO THE BUILDING:

It is the intention of the applicant to repaint the subject structure white and the trim on the Erie and Union Avenue sides of the building red.

In addition, some landscaping to include the hedge and/or split rail fence and sodding of the area in the immediate vicinity of the corner and to the front of the building is contemplated.

Various quantities of debris located at locations on the property are to be removed from the site and/or disposed of.

§9 VEHICLE MAINTENANCE:

When possible, all vehicle maintenance shall be performed inside the subject structure.

Work shall be scheduled in order that, when possible, equipment to be transported by truck shall be loaded during the business day of the afternoon before the equipment is moved, to avoid early morning noise pollution.

§10 PETROLEUM PRODUCTS:

No major fuel storage of petroleum products will occur on the subject parcel. Minor quantities of solvents shall be maintained for maintenance, cleaning and repair.

§11 MATERIAL STORAGE:

There is no present plan to utilize the subject parcel as a major storage area for construction materials. Minor quantities of fill, shale, gravel, sand, and clay may, from time to time, occur temporarily.

Construction materials relating to wood, stone, pipe, block, brick and related items, if any, shall be stored in such a way that they will not be visible from either Erie or Union Avenues.

§12 EXPLOSIVES:

All demolition work performed by the applicant is accomplished through sub-contractors. No explosives shall be stored or maintained on the subject premises.

INTER-OFFICE CORRESPONDENCE

TO: ACTING TOWN BUILDING INSPECTOR CUOMO
FROM: ATTORNEY FOR THE TOWN SEAMAN
SUBJECT: J. F. MORINO, INC. - ERIE AVENUE
DATE: August 31, 1982

In response to your inquiry dated August 16, 1982, the property owner was given a use variance to permit storage of construction equipment, materials and operation of an office in an R-4 (residential) zone. Any other use of the property is in violation of the variance.

J. Tad Seaman

JTS:pd



1763

Zoning Bd
TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

September 3, 1982

J. F. MORINO, INC.
229 Union Avenue
New Windsor, N. Y. 12550

Attn: Mr. J. Morino

Dear Joe:

You were given a use variance to permit storage of construction equipment, materials and operation of an office in an R-4 (residential) zone.

Any other use of the property such as manufacturing and selling concrete is in violation of the variance.

Please advise immediately.

Yours truly

Paul V. Cuomo
Paul V. Cuomo, P. E.
Town Engineer

PVC/mfb

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR
ZBA
SEP 7 1982
BY: *Patricia Delio*

MEMO

TO: Town Attorney Tad Seaman

From: Paul V. Cuomo, P.E. *PVC*
Town Engineer

Subject: JOSEPH MORINO/EQUIOMENT REBUILDERS HOLDING CORP.

Date: August 16, 1982

The attached Ad is in error, however it appears Josesph Marino/Equipment Rebuilders Holding Corp. has started an additional business whereby he hauls the concrete to a site.

Peöple do not drive in and haul away as Ad stated.

I would like to know, however, if there is any violation of decision (see Attachment) granted by the Zoning Board of Appeals dated 4/14/80 due to this new business.

PVC/sbh

cc: Supervisor Petro

Town Board Members

cc: Andrew S. Krieger, ZBA Atty.
attach.

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

AUG 18 1982

BY: *Patricia Delis*

MEMO FROM

TOWN OF NEW WINDSOR

633 UNION AVENUE

NEW WINDSOR, NEW YORK 12550

TO:

Mr. John A. Petro,
Supervisor

DATE: Jan. 4, 1980

SUBJECT: Equipment Rebuilding Service owned by Mr. Rocco Pavese
Corner Union Avenue and Erie Avenue

Altho the property was re-zoned from General Industrial (GI) in May of 1975 to Residential (R4), the property has had a continued use as Commercial property.

The lands and buildings now have a pre-existing non-conforming use. Brief history of the property is as follows:

1. Coal yard prior to Zoning
2. Equipment Rebuilding granted site plan approval May 22, 1968, to rebuild construction equipment.
3. Equipment Rebuilding held auction on Aug. 7, 1974.
4. Portion of building and lot leased to Fred Farrell to operate a garage for repair of automobiles Jan. 1975-June 1975
5. CETA Program used Building and Site for storage of construction equipment July 77-Jan. 79.

Howard R. Collett -
Bldg./Zoning Inspector

HRC/mfb

cc: Paul V. Cuomo, P. E.
Town Engineer

by

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a Public Hearing
pursuant to Section 48-33A of the Zoning Ordinance on the
following proposition:

Appeal No. 3

Request of ARMO CONTRACTORS, INC. and EQUIPMENT
REBUILDERS, INC.

for a VARIANCE and/or SPECIAL USE PERMIT of

the regulations of the Zoning Ordinance, to permit

contracting business and storage of

equipment in R-4 (residential) zone

or

being a VARIANCE and /SPECIAL USE PERMIT of

Section 48-9 - Table of Use Regulations - Col. A and B

for property situated as follows:

Corner of Erie and Union Avenues in the Town

of New Windsor, New York.

SAID HEARING will take place on the 24th day of March, 19 80,

at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.

beginning at 8 o'clock P. M.

VINCENT BIVONA
Chairman

ARMO Contractors Inc.

WATER AND SEWER LINE SPEC.

P. O. BOX 2523

RUSCITI ROAD

NEWBURGH, NEW YORK 12550

7 TO WHOM IT MAY CONCERN:

WE THE UNDERSIGNED THAT LIVE ACROSS, NEXT TO, AND IN THE IMMEDIATE AREA OF THE PROPERTY LOCATED AT 229 UNION AVENUE STATE THAT WE HAVE NO OBJECTIONS TO ARMO CONTRACTORS INC. OCCUPYING THE PREMISES:

NAME

ADDRESS

Jean Clinton	409 Carlton Cir, New Windsor, NY
Cyelle Brown	120 Glendale Dr New Windsor N.Y.
Harold Brown	120 Glendale Dr New Windsor N.Y.
Frank Puccio	118 Glendale Dr. New Windsor N.Y.
Mrs. Emily Brancato	118 Glendale Dr. N.W.
Christine Hughes	408 Carlton Cir New Windsor
Betty Heck	405 Carlton Cir New Windsor N.Y.
Bertie Heck	405 Carlton Cir New Windsor N.Y.
Howard Sobel	402 Carlton Cir New Windsor N.Y.
Roselle Sobel	402 Carlton Cir New Windsor N.Y.
Michael F. Lefrunt	528 Balmoral Circle, New Windsor, N.Y.
Margaret Lefrumento	528 Balmoral Circle, New Windsor, N.Y.
Allen Antonelli	Union Ave New Windsor N.Y.
Bill Keeger	410 Glendale ^{Carlton} Cir New Windsor N.Y.
George M. Bryan	241 Union Ave New Windsor, N.Y.

ARMO Contractors Inc.

WATER AND SEWER LINE SPEC.

P. O. BOX 2523

RUSCITI ROAD

NEWBURGH, NEW YORK 12550

TO WHOM IT MAY CONCERN:

WE THE UNDERSIGNED THAT LIVE ACROSS, NEXT TO, AND IN THE IMMEDIATE AREA OF THE PROPERTY LOCATED AT 229 UNION AVENUE STATE THAT WE HAVE NO OBJECTIONS TO ARMO CONTRACTORS INC. OCCUPYING THE PREMISES:

NAME	ADDRESS
Frederick J. Nacario	408 Carlton Circle New Windsor
Shelly Clinton	409 Carlton Cir. N.W.
Aleonor R. Leach	407 Carlton Cir. N.W.
Dominic Raccie	118 Glendale Dr. N.W.
Kathy Cakana	411 Carlton Circle
Joseph Masleshi	228 Union Avenue.
Stefanie Masleshi	228 Union Avenue.
Maria Russo	101 Glendale Dr.
Adeline Cicciardi	101 Glendale Dr.
Joseph Leach Jr.	5 Crestview Dr.
J. Conally	63 Hudson St.
Francis J. J. J.	219 Union Ave

INTER-OFFICE CORRESPONDENCE

TO: TOWN BUILDING/ZONING INSPECTOR
TOWN PLANNING BOARD

FROM: ZONING BOARD OF APPEALS

SUBJECT: APPLICATION OF EQUIPMENT REBUILDERS/ARMO CONTRACTORS
APPLICATION OF VGR ASSOCIATES/GRAND UNION COMPANY

DATE: March 25, 1980

Kindly be advised that the above applications before the
ZBA were granted at a meeting held on Monday evening, 3/24/80.

Pat

/pd

(914) 565-8550

March 17, 1980

George P. Craig, Jr., Esq.
CRAIG & ORNSTEIN
321 Main Street
Cornwall, N. Y. 12518

RE: APPLICATION FOR VARIANCE - MORINO
#80-8 - Zoning Board of Appeals

Attn: Linda

Dear Linda:

In accordance with our telephone conversation of this date, enclosed please find check #517 in the amount of \$45.00. Please be advised that the variance application fee for commercial property is \$50.00.

Very truly yours,

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

Enclosure

RECEIVED-28A
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

MAR 17 1980

Law Offices

BY: *Patricia Delio*

156 MAIN STREET
HIGHLAND FALLS, N.Y. 10928
(914) 446-3333

Craig & Ornstein

GEORGE P. CRAIG, JR.
PAUL N. ORNSTEIN*
*ALSO ADMITTED N.J.

321 Main Street, Cornwall, New York 12518

(914) 534-7755

REPLY TO:

March 12, 1980

Cornwall

Town of New Windsor
Zoning Board of Appeals
555 Union Avenue
New Windsor, New York 12550

Attention: Pat Delio
Secretary

RE: Application of Morino

Dear Pat:

Please find enclosed the following:

1. Original and two copies of my client's application;
2. Affidavit of Consent of Record Owner;
3. Affidavit of Mailing of the Public Notice to property owners and Orange County Planning Dept.;
4. Our check in the amount of \$45 in payment of the fee for the application.

I will be in touch several days before the hearing to confirm that all papers have been received and are in order.

Thank you.

Yours very truly,

CRAIG & ORNSTEIN

George P. Craig, Jr.
BY: GEORGE P. CRAIG, JR.

Linda
GPC/lb
Encs.

AFFIDAVIT OF CONSENT
OF
RECORD OWNER

The undersigned, being the owner of
property located at 229 Corner of Union and Erie Streets,
New Windsor, New York, hereby consents to the making of
an application to the Board of Adjustment of New Windsor,
New York, by J. F. MORINO, INC., and agrees to be bound
by the findings of said Board of Adjustment.

EQUIPMENT REBUILDERS HOLDING CORP.

By:

Rocco Pavese
Rocco Pavese, President

ATTEST:

Frances Pavese
Frances Pavese, Secretary

MAR 7 1960

AFFIDAVIT OF MAILING

STATE OF NEW YORK
COUNTY OF ORANGE

Linda Bridgeford, being duly sworn, deposes and says:

I am a resident of Cornwall, New York; that on the 13th day of March, 1980, I mailed the annexed Notice of Public Hearing to each of the parties hereinafter named by depositing in a United States Post Office or official depository at Cornwall, New York, a true copy of said notice, each properly enclosed in a securely sealed, post-paid wrapper, marked "CERTIFIED MAIL, RETURN RECEIPT REQUESTED", directed respectively to each of the following parties at the address set under their names:

Allessandro John & Pat
205 Cambridge Court
New Windsor, N.Y.

Pisani Joseph & Leona
203 Cambridge Court
New Windsor, N.Y.

Ullman Stuart & Gladys
201 Cambridge Court
New Windsor, N.Y.

Pfeifer Valentina & Alenka
107 Glendale Drive
New Windsor, N.Y.

Brown Sr. Howard C & Jill
303 Cloverdale Court
New Windsor, N.Y.

Slepoy Alan & Rene
304 Cloverdale Court
New Windsor, N.Y.

Wiede Raymond F & Helene
306 Cloverdale Court
New Windsor, N.Y.

Lupo Salvatore & Ruby L
Erie Ave. MD 23
New Windsor, N.Y.

Rainey Alvie & Josephine
72 Birchwood Drive
New Windsor, N.Y.

Bouchard Anna C & Cosgrove Ann L
70 Birchwood Drive
New Windsor, N.Y.

McDonald Thomas & Grieco Marianne
66 Birchwood Drive
New Windsor, N.Y.

Bartel Albin J & Roase M
64 Birchwood Drive
New Windsor, N.Y.

Groff Gordon B & Eleanor S
75 Birchwood Drive
New Windsor, N.Y.

Metzger Edwin J & Kathleen A
81 Hudson Drive
New Windsor, N.Y.

Rink Hartmuth DM Sgt. & Audrey K
Box 55 APO
New York 09696

Powles Harold J & Rita A
77 Hudson Drive
New Windsor, N.Y.

Wagtowicz Leo P & Lillian
75 Hudson Drive
New Windsor, N.Y.

Sciamanna Dino J & Eleanor
73 Hudson Drive
New Windsor, N.Y.

Wilson Janet S
67 Birchwood Drive
New Windsor, N.Y.

Garofal John B & Kathleen
69 Birchwood Drive
New Windsor, N.Y.

Ellick Sanford A & Rose
68 Birchwood Drive
New Windsor, N.Y.

Woodlawn Cemetary
c/o William Rumsey
P.O. Box 203
Newburgh, N.Y. 12550

The Agudas Israel Cemetary
290 North Street
Newburgh, N.Y.

Consolidated Rail Corp.
Tax Dept. Room 1310
6 Penn Center Plaza
Philadelphia, Pa. 19104

Masloski Joseph C.
24 Lannis Ave.
New Windsor, N.Y. 12550

Town of New Windsor
Town Hall
555 Union Ave.
New Windsor, N.Y.

Welch Charles A. & Rita R.
c/o Van's Restaurant
198 Union Ave.
New Windsor, N.Y.

Reistad Dennis
c/o Roys Automotive
200 Union Ave.
New Windsor, N.Y.

Romar Apartments Inc.
1 Elm Street
New Windsor, N.Y.

Rizzuto John B. & Mary
1 Elm Street
New Windsor, N.Y.

Borchert Ernest H., Ernest H. Jr.
& Robert A.
Lattintown Road
Marlboro, N.Y. 12542

Solfaro Anthony V & Judith
71 Birchwood Drive
New Windsor, N.Y.

Bracco Ralph J. & Linda
102 Glendale Drive
New Windsor, N.Y.

Brown Joseph R. & Mary J.
104 Glendale Drive
New Windsor, N.Y.

Paul Henry & Anna
106 Glendale Drive
New Windsor, N.Y.

McCormack John J. & Graciela
108 Gendale Drive
New Windsor, N.Y.

Walborn David P. & Jeanne M.
110 Glendale Drive
New Windsor, N.Y.

Melville Homer W. & Yvonne M.
Erie Ave.
New Windsor, N.Y.

Durso Frank A & Marie C.
Ciccarelli Thomas R & Adeline A.
101 Glendale Drive
New Windsor, N.Y.

Wester Brunelle & Edevyn
Cambridge Court (202)
New Windsor, N.Y.

Forzano Michael & Laura
204 Cambridge Court
New Windsor, N.Y.

Bilyou George M & Dolores
P.O. Box 2576
Newburgh, N.Y.,

Flamholtz H Michael & Karen
206 Cambridge Court
New Windsor, N.Y.

Soricelli John G & Carol S
73 Birchwood Drive
New Windsor, N.Y.

Yeaton William P & Katherine
82 Hudson Drive
New Windsor, N.Y.

Jennings Dorothy
80 Hudson Drive
New Windsor, N.Y.

Quicksell James & Barbara J
78 Hudson Drive
New Windsor, N.Y.

DiGovanni Thomas R & Regina M
76 Hudson Drive
New Windsor, N.Y.

Heft Lincoln R & Dolores
72 Hudson Drive
New Windsor, N.Y.

Warmers Construction Corp.
P.O. Box 148
Newburgh, N.Y. 12550

Orange County Planning Department
124 Main Street
Goshen, New York 10924

Signed: _____

Linda Bridgeford
LINDA BRIDGEFORD

Sworn to before me this 13th day
of March, 1980,

Paul N. Ornstein

NOTARY PUBLIC

PAUL N. ORNSTEIN
Notary Public, State of New York
No. 24-4528541
Qualified In Kings County
Commission Expires March 30, 1980

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a Public Hearing
pursuant to Section 48-33A of the Zoning Ordinance on the
following proposition:

Appeal No. 3

Request of ARMO CONTRACTORS, INC. and
EQUIPMENT REBUILDERS, INC.

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the regulations of the Zoning Ordinance, to permit

contracting business and storage of

equipment in R-4 (residential) zone

OR

being a VARIANCE and /SPECIAL USE PERMIT of

Section 48-9 - Table of Use Regulations - Col. A and B

for property situated as follows:

Corner of Erie and Union Avenues in the Town

of New Windsor, New York.

SAID HEARING will take place on the 24th day of March, 19 80,

at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.

beginning at 8 o'clock P. M.

VINCENT BIVONA
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

80-3
(Number)

3/17/80.
(Date)

✓ I. Applicant information:

- 609 Broadway
- (a) Equipment Rebuilders Service (Rocco Pavese) Westwood, NJ 07675
Joseph Morino, P.O. Box 535, Vails Gate, NY 12584
(Name, address and phone of Applicant)
- (b) Same as above
(Name, address and phone of purchaser or lessee)
Craig & Ornstein
- (c) 321 Main Street, Cornwall, NY 12518 534-7755
(Name, address and phone of attorney)
- (d) None
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance and/or
- ☐ Area variance
- ☐ Sign variance
- ☒ Special permit

✓ III. Property information:

- (a) R-4 Union Ave. and Erie Ave.
(Zone) (Address) New Windsor, NY (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 10 yrs. +
- (e) Has property been subdivided previously? no When? n/a
- (f) Has property been subject of variance or special permit previously? yes When? Prior non-conform use

80-3
(Number)3/17/80.
(Date)

✓ I. Applicant information:

- 609 Broadway
Equipment Rebuilders Service (Rocco Pavese) Westwood, NJ 07675
- (a) Joseph Morino, P.O. Box 535, Vails Gate, NY 12584
(Name, address and phone of Applicant)
- (b) Same as above
(Name, address and phone of purchaser or lessee)
Craig & Ornstein
- (c) 321 Main Street, Cornwall, NY 12518 534-7755
(Name, address and phone of attorney)
- (d) None
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance and/or
- ☐ Area variance
- ☐ Sign variance
- ☒ Special permit

✓ III. Property information:

- (a) R-4 Union Ave. and Erie Ave.
(Zone) (Address) New Windsor, NY (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? yes
- (d) When was property purchased by present owner? 10 yrs. +
- (e) Has property been subdivided previously? no When? n/a
- (f) Has property been subject of variance or special permit previously? yes When? Prior non-conform use
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? yes. If so, when 1/8/80
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. Yes. Equipment and construction materials past, present and proposed.



IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section Art. III, Table 48-9, Column A, to allow

Storage of equipment, materials and operate an office.

(Describe proposed use)

- ✓ (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

The subject parcel has for many years been used as commercial for which it is particularly suited. The geographic proximity to the local of work performed by applicant makes the subject parcel unique in value to the applicant's business. Applicant has made an exhaustive search for alternate sites but finds the subject parcel most desirable because of its location and facilities available and existing improvements. Also, upon information and belief, the lands in question are to a considerable extent comprised of rocky sub-surface, making residential development economically unfeasible, if not impossible. Severe economic hardship to both owner and leasee will result if the subject parcel cannot be used as commercial.



V. Area variance: n/a

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

Storage of equipment, materials and operate an office.

(Describe proposed use)

- ✓(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

The subject parcel has for many years been used as commercial for which it is particularly suited. The geographic proximity to the local of work performed by applicant makes the subject parcel unique in value to the applicant's business. Applicant has made an exhaustive search for alternate sites but finds the subject parcel most desirable because of its location and facilities available and existing improvements. Also, upon information and belief, the lands in question are to a considerable extent comprised of rocky sub-surface, making residential development economically unfeasible, if not impossible. Severe economic hardship to both owner and leasee will result if the subject parcel cannot be used as commercial.



V.

Area variance: n/a

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.



VI. Sign Variance: n/a

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?



VI.

Sign Variance: n/a

(a) Variance requested from New Windsor Zoning Local Law,
Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a
variance, and set forth your reasons for requiring
extra or oversize signs.

(c) What is total area in square feet of all signs on premises including
signs on windows, face of building, and free-standing signs?

☒ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

☒ IX. Attachments required:

- ☒ Copy of letter of referral from Building and Zoning Inspector.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of tax map showing adjacent properties
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ 50.00 payable to Town of New Windsor.

- (b) Describe in detail the use and structures proposed for the special permit.



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)



IX. Attachments required:

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- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of tax map showing adjacent properties
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☐ Copy(ies) of sign(s) with dimensions.
- ☒ Check in amount of \$ 50.00 payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ☐ Other

X. ✓ AFFIDAVIT

Date _____

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

ed.

Joseph F. Morino
(Applicant)

JOSEPH F. MORINO

Sworn to before me this
12th day of ~~February~~ ^{Mar.}, 19 80.

GEORGE P. CRAIG
Notary Public for the State of New York
Residing in Orange County
No. 42-113
My Commission Expires March 30, 1982

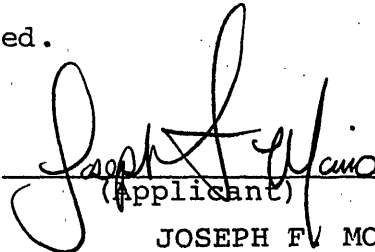
XI. ZBA Action:

- (a) Public Hearing date 3/24/80 - 8 p.m.
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards:

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY

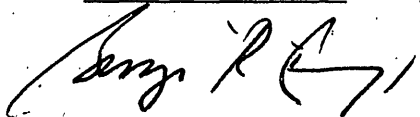
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.


(Applicant)
JOSEPH F. MORINO

Sworn to before me this

12th day of ^{Mar.} ~~February~~, 19 80.



GEORGE P. CRAIG
Notary Public, State of New York
Residing in Orange County
No. 45,113
My Commission Expires March 30, 19 80

XI. ZBA Action:

(a) Public Hearing date 3/24/80 - 9 p.m.

(b) Variance is _____

Special Permit is _____

(c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

3/24/80 - Public Hearing - 8 p.m. - Arms Contractors/Equipment Rebuilding

Name:

Address:

Ginger Gray

321 Main St. Conant NY ^{att. for} Arms.

JOSEPH F. MORINO

229 Union Av. Newburgh, N.Y.

ARMO.
OWNER

Frederick Naderis 408 CARTER Circle Home owner.

Mrs K. Yeaton 82 Hudson Drive

~~Mrs. Mrs. Dwyer~~ - infirm.

MANN, MORINO

229 Union Av

Newburgh NY

(ARMO.
OWNER)

J.B. Fought IV 69 Birchwood Dr. New Windsor.

Ch. Riney 72 Birchwood Dr.

Jo. August 72 Birchwood Dr.

Ann G. 506 BALMORAL Cir.

WAYNE SHEWING 530 Balmoral Circle

Joseph Pisoni 203 Cambridge Ct.

Ann G. 304 CLIVERTALE CT

Mike Fagan 204 Cambridge Ct.

Mike Fagan 206 CAMBRIDGE CT - objecting

Frank Allen 201 CAMBRIDGE CT. objecting

Larry Balle 4 One Lane



COUNTY OF ORANGE

Department of Planning

124 MAIN STREET (1887 Building)
GOSHEN, NEW YORK 10924
TEL. (914) 294-5151

Peter Garrison, Commissioner

Richard S. DeTurk, Deputy Commissioner

March 18, 1980

RECEIVED
ATTORNEY'S OFFICE/BA
TOWN OF NEW WINDSOR

MAR 20 1980

BY: Patricia Delis

Mr. Vincent Bivona, Chairman
Town of New Windsor Zoning Board of Appeals
Town Hall
New Windsor, New York 12550

Re: Special Permit and Variance
Equipment Rebuilders, Inc. - ARMO.
County Road 69

Dear Mr. Bivona:

We have reviewed the above application in accordance with the provisions of Section 239, L and M, Article 12-B of the General Municipal Law of the State of New York.

We hereby return the matter for final local determination.

Very truly yours,

Peter Garrison

Peter Garrison
Commissioner of Planning

Reviewed by: *Joel Shaw*
Joel Shaw
Senior Planner

PG/mh

Building Department
(CITY, TOWN OR VILLAGE) OF NEWWINDSOR 555 UNION AVE
(Address and Telephone Number)
565-8807 County of: ORANGE

Order to Remedy Violation

Location CORNER ERIE AVE & UNION AV.

Map No.: _____ Section: 22 Block: 1 Lot: 2

Date JANUARY 8 1980

TO ARMO CONTRACTORS INC
(owner or authorized agent of owner)
CORNER ERIE AVE & UNION AV
(address of owner or authorized agent of owner)

561-5240

PLEASE TAKE NOTICE there exists a violation of:

The State Building Construction Code _____
Zoning Ordinances ✓
Other Applicable Laws, Ordinances or Regulations _____

at premises hereinafter described in that CONTRACTORS STORAGE OF CONSTRUCTION
(state character of violation)
EQUIPMENT & OFFICE IS NOT PERMITTED IN RESIDENTIAL
DISTRICT (R4)

in violation of ARTICLE III 48-9 COLUMN A R4
(state section or paragraph of applicable law, ordinance or regulation)

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to
remedy the conditions above mentioned forthwith on or before the 18th day of
JANUARY 1980

Failure to remedy the conditions aforesaid and to comply with the applicable pro-
visions of law may constitute an offense punishable by fine or imprisonment or both.

*extension of
non conforming use.
Can be accomplished through
Special permit of Board.*

Howard R. Casar
Superintendent of Buildings

* Non-Conf. use
expired when R. Pavese
moved out.



1703

OFFICE OF THE TOWN ATTORNEY

FILE

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, New York 12550
914-565-8550

July 18, 1977

Bratt and Bratt
333 Fairview Avenue
P. O. Box 90
Westwood, N. J. 07675

Attn: J. Howard Bratt, Esq.

RE: TOWN OF NEW WINDSOR DRAINAGE PROJECT - ERIE AVENUE PROPERTY
ROCCO PAVESE

Dear Mr. Bratt:

I have your letter of July 8, 1977 concerning the above referenced matter.

The agreement which the Town of New Windsor will enter into with Rocco Pavese/Equipment Rebuilders Holding Corp., is not intended to vest a right to commercial use in the property.

*Received
11/1/80*

The rental agreement is for a one-time usage for storing equipment temporarily during a town construction project. When the project is finished, and it may be noted that the project is short term in nature, the construction equipment will be removed at once.

If the rental arrangement per se is not satisfactory to Mr. Pavese, please let me know and I shall direct the Town of New Windsor forces to remove themselves from the property forthwith.

Very truly yours,

Philip A. Crotty, Jr.

PHILIP A. CROTTY, JR.

Attorney for the Town of New Windsor

PAC:pr

cc: Town Supervisor
Councilman Rainey
Town Engineer ✓

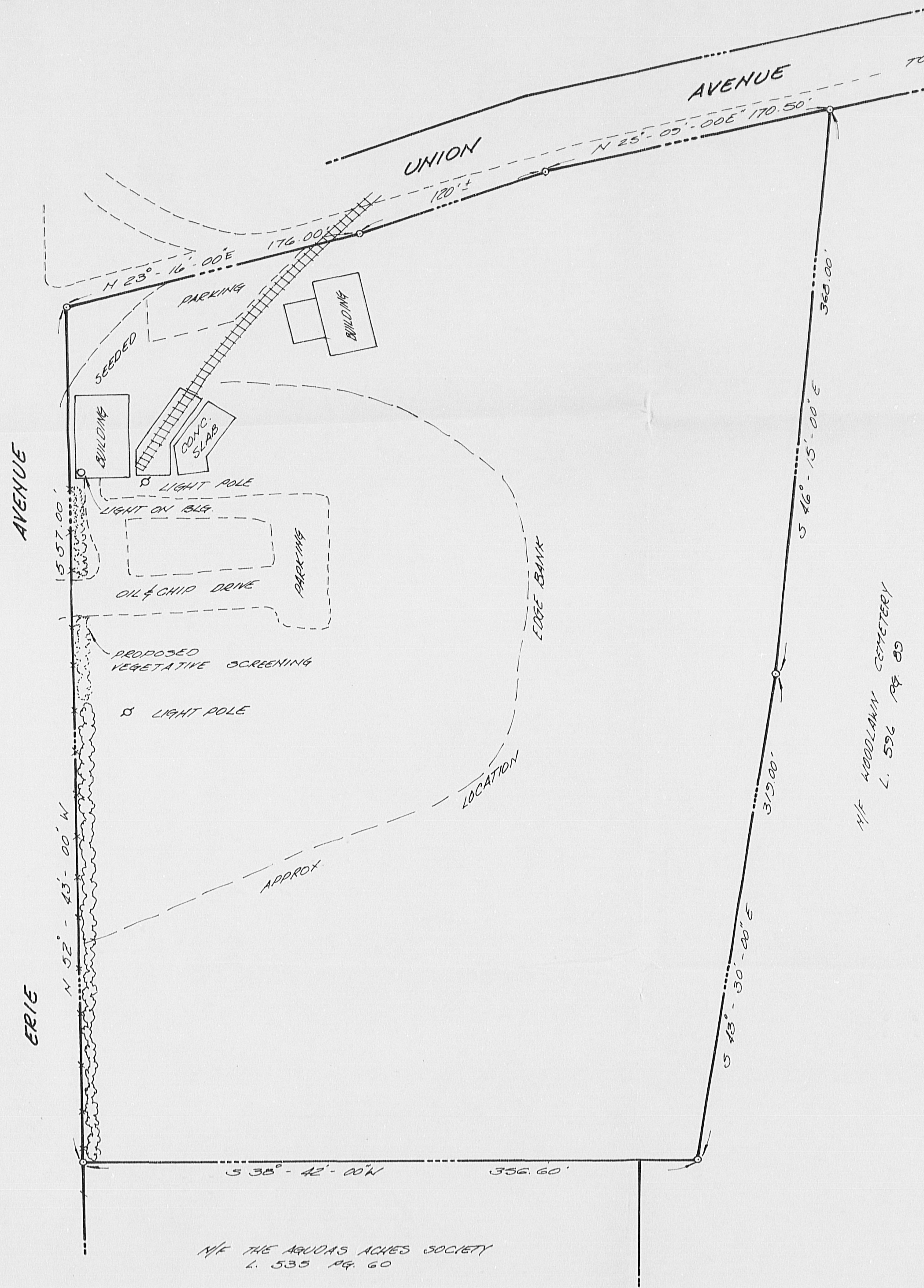
RECEIVED

JUL 20 1977

TOWN ENGINEER'S OFFICE
TOWN OF NEW WINDSOR

RICHARD DEKAY L.S.
LAND SURVEYOR
66 WILLOW AVE.
CORNWALL, N.Y.

Richard Dekay



N/E HOOGLAND CEMETERY
L. 596 PG. 89

NOTES:

1. PROPERTY LINES PLOTTED FROM DEEDS OF RECORD AND A MAP ENTITLED, "ORZEY INC. LANDS, TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y. BY THEO. JARGSTROFF L.S. DATED FEBRUARY, 1959.
2. SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS & RESERVATIONS OF RECORD.
3. SOURCE OF TITLE LIBER 1013 PAGE 434
4. AREA: (AS PER JARGSTROFF MAP)
5.707 ± ACRES

MAP
OF LANDS OF
EQUIPMENT REBUILDERS HOLDING CORP.
UNDER LEASE WITH OPTION TO
J.F. MORINO, INC.

TOWN OF NEW WINDSOR - ORANGE COUNTY
NEW YORK
SCALE: 1" = 50' MARCH 17, 1980

N/E THE ARLOAS ACHES SOCIETY
L. 535 PG. 60